



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 26, 1995

Mr. Jose R. Guerrero
Montalvo & Ramirez
Attorneys at Law
900 N. Main
McAllen, Texas 78501

OR95-473

Dear Mr. Guerrero:

As attorney for La Joya Independent School District, you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30068.

The La Joya Independent School District has received a request for "the names, addresses and telephone numbers of the six students whose admission was revoked under the new school policy." You inform us that the new policy enforces residency requirements for students who desire a tuition-free education in the district's schools. You assert that the requested information is excepted from required public disclosure by sections 552.026 and 552.114 of the government Code.

Section 552.026 states:

This chapter does not require the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974

The Family Educational Rights and Privacy Act (FERPA) denies federal funds to an educational agency or institution if it has a policy or practice of releasing education records or personally identifiable information, other than directory information, contained in education records without the consent of the student's parents. 20 U.S.C. § 1232g(b)(1). "Education records" are defined in FERPA as records that "(i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution." *Id.* § 1232g(a)(4)(A).

The requestor does not contest the applicability of FERPA; rather, she contends that this information is "directory information" within the purview of that statute and can be released after appropriate notice requirements are met. 20 U.S.C. § 1232g(a)(5). The statute itself defines "directory information" as

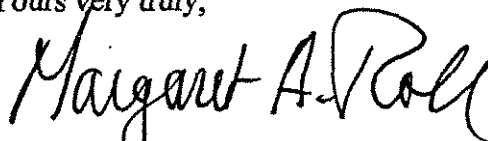
the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

20 U.S.C. § 1232g(a)(5)(A).

We acknowledge this office has concluded that the term "directory information" is to be liberally construed and that the requested information is obviously "directory information" within the federal statute. Open Records Decision No. 242 (1980). The context of this request, however, adds a piece of information that is not directory information. Examination of the kinds of information listed in the definition of "directory information," reveals that the common thread linking them is that they are thoroughly innocuous pieces of information of the type customarily found in public directories. The release of this type of information would rarely offend anyone. In this case, however, the fact that these students' admission status has been or may be rescinded is of an entirely different order. Public disclosure of the fact that this step has been taken could be offensive to virtually anyone and therefore implicates the kind of privacy interest that the Buckley Amendment was designed to protect. See Open Records Decision No. 477 (1987); see also 34 C.F.R. § 99.30 (definition of "directory information" to include "information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed"). Therefore, we believe that this information is excepted from required public disclosure under FERPA and that you must withhold it.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Margaret A. Roll
Assistant Attorney General
Open Government Section

MAR/PIR/rho

Ref.: ID# 30068

cc: Ms. Caitlin Francke
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